

EXHIBIT C

Brian Kehler * August 18, 2015

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<p style="text-align: right;">6</p> <p>1 EXHIBITS (Continued)</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 43 Google map 221</p> <p>4 44 Portion of a police report 226</p> <p>5 45 Supplemental Report by Kristin 227</p> <p>6 Wetherbee dated 11/12/14</p> <p>7 46 Driver Vehicle Inspection Reports 233</p> <p>8 47 Photographs of truck at the accident 251</p> <p>9 scene</p> <p>10 48 Driver's Logs for Brian 257</p> <p>11 Kehler 10/29/14-11/08/14</p> <p>12 49 Driver's Logs for Brian Kehler, 259</p> <p>13 10/8/14-10/28/14</p> <p>14 50 Driver's Logs for Brian Kehler, 260</p> <p>15 10/29/14-11/08/14</p> <p>16 51 On the Road Reference Guide 287</p> <p>17 52 Testing materials 287</p> <p>18 53 Driver's Logs for Steven Marks, 289</p> <p>19 10/29/14-11/08/14</p> <p>20 ***</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 BRIAN KEHLER,</p> <p>2 called as a witness, being first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. KLINE:</p> <p>6 Q. Can you please give us your name and</p> <p>7 address.</p> <p>8 A. My name is Brian Douglas Kehler. I live</p> <p>9 at 581 Grove Drive, Alpine, Utah 84004.</p> <p>10 Q. And Mr. Kehler, I introduced myself off</p> <p>11 the record. We all did. Now that I'm the sole</p> <p>12 person asking questions to start with, I'll</p> <p>13 reintroduce myself again. I'm Steve Kline. I'm an</p> <p>14 attorney out of Cheyenne.</p> <p>15 And there are two combined lawsuits that</p> <p>16 we're here regarding. Obviously you're familiar with</p> <p>17 those. I represent Gina Cubillos, who is the</p> <p>18 personal -- wrongful death personal representative of</p> <p>19 the -- for the Ednie family, which is one half of</p> <p>20 those claims. Okay?</p> <p>21 I'll ask you when we start here, have you</p> <p>22 ever had a deposition taken before?</p> <p>23 A. No, I haven't.</p> <p>24 Q. Have you ever testified in a court</p> <p>25 proceeding?</p>

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1 Q. The number that you had from back in
2 November?

3 **A. Correct.**

4 Q. Have we covered all of the training you
5 received from either FedEx or any of the independent
6 contractors who you worked for who were involved with
7 FedEx? Have we covered all the training that any of
8 them did with you?

9 **A. Pretty much, yeah. I agree.**

10 Q. And since hiring on for FedEx, tell me
11 your schedule as far as runs, how frequently you
12 would make runs, how much rest you would have
13 between. I'm just trying to get an idea of what you
14 do every year as far as work.

15 **A. Okay. I would start out on Tuesday. I**
16 **leave Tuesday and I would run to Willington,**
17 **Connecticut.**

18 Q. What's the name of that town in
19 Connecticut?

20 **A. Willington.**

21 Q. I'm assuming that's near Hartford
22 somewhere?

23 **A. No. That's near the Massachusetts line.**

24 Q. Okay.

25 **A. It's 20 miles northeast of Hartford. We**

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1 **would go there and pick up the next set of trailers**
2 **and head back, get back on Friday night and then get**
3 **up Saturday and go to Des Moines, Iowa and return on**
4 **Sunday night.**

5 **And then the following week would leave on**
6 **Wednesday --**

7 Q. Let me stop you there for a second. You
8 would leave Des Moines on Sunday, or you actually
9 returned to Salt Lake on Sunday?

10 **A. Both.**

11 Q. Both. Okay.

12 **A. Right.**

13 Q. And then would you rest from Sunday till
14 Wednesday morning?

15 **A. No.**

16 Q. No.

17 **A. We would come back Sunday.**

18 Q. Okay. So let me rephrase it. You would
19 rest from Monday until Wednesday?

20 **A. Correct.**

21 Q. Okay. And you'd go pick up a load on
22 Wednesday?

23 **A. Correct.**

24 Q. And start over again as far as driving to
25 Hartford?

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1 **A. Correct.**

2 Q. And during the two years plus that you
3 worked for Mr. Rodwick, did you take vacations?

4 **A. Yes.**

5 Q. So I'm trying to figure out how much --
6 how many of these runs you would make, typically.
7 And you can break it down any way you want -- in a
8 month, six months, a year.

9 **A. Before vacation?**

10 Q. Yeah. And we'll throw vacations in there
11 whenever you want to talk about those.

12 **A. Well, I would just have my normal time**
13 **off, you know, the two days in between the runs. And**
14 **then probably -- it would be around 4th of July that**
15 **I would start requesting a week off and to go on a**
16 **vacation, you know, get away from the monotony.**

17 Q. And how many days off did you take a year?
18 Other than obviously there's the two-day downtime --

19 **A. Uh-huh.**

20 Q. -- between the Des Moines trip and the
21 next Hartford trip --

22 **A. Uh-huh.**

23 Q. -- correct?

24 **A. Right.**

25 Q. Other than that --

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1 **A. Yeah.**

2 Q. -- I'm trying to understand, you know,
3 when you would take time off, how much time you would
4 take.

5 **A. I would take a week off, a full week.**

6 Q. So you're working 51 weeks a year?

7 **A. That would be pretty accurate.**

8 Q. And you did that for two and a half years.
9 Did I get that right?

10 **A. That's pretty accurate.**

11 Q. And during that period of time you had the
12 very same schedule once you picked up Mr. Marks of
13 going and doing a Hartford and back run, and then a
14 Des Moines and back run, and then starting over again
15 after two days rest?

16 **A. Correct.**

17 Q. And did you ever have a partner other than
18 Mr. Marks on this -- once you picked up Mr. Marks?

19 **A. No.**

20 Q. And did anyone else drive that tractor --
21 the tractors that you were driving other than you and
22 Mr. Marks?

23 **A. I want to back up a little bit, if I**
24 **could.**

25 Q. Sure.

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1 **A. One -- one time I had another driver**
 2 **because he was sick, and I had a fill-in that I had.**
 3 **Otherwise it's Steve.**
 4 Q. So you only had a fill-in for Mr. Marks on
 5 one occasion that you recall in that period of time?
 6 **A. That I can recall.**
 7 Q. And so each of the trips to outside of
 8 Hartford and Des Moines started here in North Salt --
 9 North Salt Lake, correct?
 10 **A. Correct.**
 11 Q. And tell me physically what you did to get
 12 your next assignment. You know what -- do you
 13 understand what I'm asking?
 14 **A. What would I do physically to get my next**
 15 **assignment?**
 16 Q. Right. I get -- I take it every Wednesday
 17 you knew to show up to get a haul to Hartford?
 18 **A. Correct.**
 19 Q. And what would you -- walk me through what
 20 you did to get that assignment.
 21 **A. Well, I would -- on -- for the Des Moines**
 22 **run?**
 23 Q. And the Hartford run, both of them.
 24 **A. Okay. I would park my car in the parking**
 25 **lot, and I would go through the gate, swipe my card**

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1 **to be allowed to come in. And then --**
 2 Q. And that's your FedEx I.D.?
 3 **A. Exactly.**
 4 Q. Okay.
 5 **A. Then I would go to Linehaul and tell them**
 6 **my truck number, and they would pull up the paperwork**
 7 **for the truck number, what's assigned, and give me**
 8 **the load and the trailer numbers. And then I would**
 9 **go out and fetch them and then bring back the**
 10 **paperwork --**
 11 Q. I'm sorry. I missed that. You would go
 12 out and what?
 13 **A. Fetch them.**
 14 Q. Fetch them, okay. So FedEx assigned you
 15 the routes?
 16 **A. Correct.**
 17 Q. And they assigned you the trailers you
 18 were to haul?
 19 **A. Correct.**
 20 Q. Did you know in each instance what you
 21 were hauling?
 22 **A. Never.**
 23 Q. Okay. How were you dressed?
 24 **A. I usually wore -- depends on the season.**
 25 **On nice days I'd wear probably shorts and FedEx**

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1 **shirt. Always wore a FedEx shirt.**
 2 Q. Did you have a FedEx -- anything else? A
 3 ball cap? A jacket? A --
 4 **A. Jacket, rain jacket. The cold months I'd**
 5 **wear jeans and, you know, long-sleeve shirts.**
 6 Q. And FedEx allowed you to wear shorts?
 7 **A. Yes.**
 8 Q. Did they regulate your appearance? I
 9 mean, what did they require of you appearance-wise,
 10 FedEx?
 11 **A. Well, it's not a requirement to wear FedEx**
 12 **clothes. The contractors supplied the uniform for**
 13 **the drivers. I can tell you that other contractors**
 14 **automatically get them for you, where like Chris, I**
 15 **asked for it.**
 16 Q. Have you ever seen a FedEx driver driving
 17 down the road in a FedEx truck for an independent
 18 contractor who didn't have any identification
 19 clothing, anything that said FedEx on it?
 20 **A. Just like this shirt?**
 21 Q. Yes.
 22 **A. Absolutely.**
 23 Q. How frequently do you see that?
 24 **A. Pretty frequently.**
 25 Q. Do you know what the contract between

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1 Mr. Rodwick and FedEx says about clothing?
 2 **A. No, I don't.**
 3 Q. Did you ever -- did FedEx ever front you
 4 any money for business expenses or --
 5 **A. No.**
 6 Q. Okay. You look shocked by that question.
 7 **A. I am.**
 8 Q. Did they ever -- did you ever pay for
 9 anything that was invoiced to FedEx that you had to
 10 pay back?
 11 **A. Pay back? Can you rephrase that?**
 12 Q. I'm just -- did you ever pay for anything
 13 that FedEx paid you back for?
 14 **A. I have paid for items out of my own pocket**
 15 **that I got reimbursed from Chris and from other**
 16 **contractors out of my own pocket.**
 17 Q. But not FedEx?
 18 **A. Not for me personally. Maybe by Steve. I**
 19 **mean, we had an incident that -- for the trailer that**
 20 **had a broken -- it's a plastic -- where the plug goes**
 21 **in -- where the electric line goes in and this**
 22 **housing is busted. So we had to purchase that at a**
 23 **truck stop in Laramie. So therefore, that's FedEx.**
 24 **But we had to pay for it -- or he did, and then he**
 25 **got reimbursed.**

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<p style="text-align: right;">245</p> <p>1 A. Correct.</p> <p>2 Q. And I won't go through every month,</p> <p>3 obviously, but those go back -- your personal logs go</p> <p>4 back for a couple of years. Do we understand that</p> <p>5 correctly?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. So we know about the skinny little</p> <p>8 book. We know about logs. We know you have FedEx</p> <p>9 clothing at home. What else do you have at home that</p> <p>10 relates to the work you did for FedEx?</p> <p>11 A. That's surely it.</p> <p>12 Q. I want to make sure that we're clear on</p> <p>13 getting the maintenance done on the truck. Earlier</p> <p>14 in the deposition I believe I heard you say that --</p> <p>15 and you can correct me on any of my questions, but I</p> <p>16 believe I heard you say that when you take a truck, a</p> <p>17 FedEx truck, in at the end of your work, it goes to</p> <p>18 the FedEx yard and it stays there until you get back?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And we also understand that at some</p> <p>21 point it sounded like you were saying that Redbone</p> <p>22 could have gone over, gotten your truck, and taken it</p> <p>23 to their shop?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">247</p> <p>1 A. Correct.</p> <p>2 Q. All right.</p> <p>3 Tell us about the Linehaul facility. When</p> <p>4 you -- when you show up to go drive freight for</p> <p>5 FedEx, what building do you go to?</p> <p>6 A. It's the main building that -- it's</p> <p>7 connected. The building's all connected. It's on</p> <p>8 the north end of the warehouse, and that's where I</p> <p>9 would go, on the north end of the building.</p> <p>10 Q. What is it connected to?</p> <p>11 A. It's connected to the packaging -- not --</p> <p>12 transferring warehouse with the conveyor belts where</p> <p>13 they back up the trailers and local trucks that they</p> <p>14 would sort, and they would be dispersed into said</p> <p>15 vehicles and trailers.</p> <p>16 Q. Okay. When you go into the Linehaul</p> <p>17 building, what do you see?</p> <p>18 A. I see -- when I walk in, off to my right</p> <p>19 is a sitting area. You want to have lunch, there's</p> <p>20 soda machines, vendors. Off to my -- then there's</p> <p>21 bathrooms, and off to my immediate left is the</p> <p>22 dispatch area. If you go down the hall a little bit</p> <p>23 and take a left, there's the computers and the door</p> <p>24 that goes into dispatch area.</p> <p>25 Q. In the building that -- that encloses what</p>
<p style="text-align: right;">246</p> <p>1 A. I've used them a couple times.</p> <p>2 Q. All right. So we need to understand,</p> <p>3 under what circumstances can Redbone just go get your</p> <p>4 truck?</p> <p>5 A. Under the circumstance that I allow --</p> <p>6 allow them.</p> <p>7 Q. So you would be talking to Redbone and --</p> <p>8 or who would initiate the conversation, for example?</p> <p>9 A. I would. I would go over there and tell</p> <p>10 them that if they would do an oil change on it.</p> <p>11 Q. And would -- is Redbone authorized to come</p> <p>12 and take your truck without you knowing about it?</p> <p>13 A. No.</p> <p>14 Q. How do you get your truck back?</p> <p>15 A. They drive it back over.</p> <p>16 Q. Okay. Do you have to leave your keys</p> <p>17 there at the FedEx building?</p> <p>18 A. No. You leave them in the truck.</p> <p>19 Q. Okay. And the truck is inside a gated</p> <p>20 facility, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Chain link fence all around?</p> <p>23 A. Correct.</p> <p>24 Q. So you have no hesitation to leave your</p> <p>25 keys there?</p>	<p style="text-align: right;">248</p> <p>1 you just described, is there more? I mean, is there</p> <p>2 something beside Linehaul, or is that all there is in</p> <p>3 that building?</p> <p>4 A. There's a administration building that's</p> <p>5 on the west side of the building. And off to the</p> <p>6 northwest side of the building, not connected, is a</p> <p>7 repair shop.</p> <p>8 Q. How many people are working in the</p> <p>9 Linehaul area, typically?</p> <p>10 A. I don't know.</p> <p>11 Q. I mean, is it like six or eight, or 50 or</p> <p>12 more?</p> <p>13 A. Putting boxes in the --</p> <p>14 Q. No, no. I mean, when you --</p> <p>15 A. Oh. Oh, okay.</p> <p>16 Q. -- when you walk in --</p> <p>17 A. Okay.</p> <p>18 Q. -- and dispatch is on one side and there's</p> <p>19 a break area on the other.</p> <p>20 A. There's usually two dispatchers. The</p> <p>21 manager's in the back in his office, and there's</p> <p>22 another couple offices with another couple people and</p> <p>23 some clerks and the log girl who does the logs.</p> <p>24 That's about it.</p> <p>25 Q. Okay. And in the administration part of</p>

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<p style="text-align: right;">265</p> <p>1 Q. You're the first one to move the truck?</p> <p>2 A. I am.</p> <p>3 Q. All right. When you took the truck to</p> <p>4 Warner, for example, for maintenance, what did you do</p> <p>5 while they were maintaining it? Did you wait there,</p> <p>6 or did you drop the truck off and come back later?</p> <p>7 A. I didn't take the truck to Warner --</p> <p>8 Q. Okay.</p> <p>9 A. -- for maintenance.</p> <p>10 Q. All right. Did the truck ever go to</p> <p>11 Warner -- the tractor, pardon me, did it ever go to</p> <p>12 Warner for maintenance?</p> <p>13 A. No. I -- I would have gone to Sapp Bros.</p> <p>14 Q. Would anybody besides you have taken the</p> <p>15 truck to Warner for maintenance?</p> <p>16 A. Not that I know of.</p> <p>17 Q. Okay. When it -- when it went to Sapp</p> <p>18 Bros., what was your routine? Did you say, you know,</p> <p>19 "Here I am; I'm going to go over to the cafe and have</p> <p>20 a bite to eat and I'll be back in an hour?" What did</p> <p>21 you do?</p> <p>22 A. Right. I'd go in there and line up the</p> <p>23 oil change, or if I had any repairs or to get some</p> <p>24 tires, and then I would go over to the restaurant and</p> <p>25 I'd wait there. Then I'd come back right before</p>	<p style="text-align: right;">267</p> <p>1 Q. Another -- another crew consisting of</p> <p>2 someone such as yourself and Mr. Marks, correct?</p> <p>3 A. No. It would be a singular.</p> <p>4 Q. Oh. A solo driver?</p> <p>5 A. Correct.</p> <p>6 Q. And explain that for us, please.</p> <p>7 A. He has four solo drivers and one team.</p> <p>8 Q. Okay. And why would a truck ever be</p> <p>9 turned over from a team to a solo?</p> <p>10 A. Because the road truck puts on so much</p> <p>11 miles that every couple years you turn it over to the</p> <p>12 next man below, whatever truck needs to be taken off</p> <p>13 the road, that's the oldest, has the most mileage,</p> <p>14 most wear. And the team, such as my case, would get</p> <p>15 the fresh truck, the fresh used truck.</p> <p>16 Q. Okay. And who is Mike Hays [sic], again?</p> <p>17 You said somebody would get the fresh truck. Who --</p> <p>18 A. That would be who's next in line that</p> <p>19 has --</p> <p>20 Q. Oh.</p> <p>21 A. -- the oldest or most mileage, worn-down</p> <p>22 truck. That would be pulled off line, and this would</p> <p>23 replace that truck.</p> <p>24 Q. At the time of this incident that brings</p> <p>25 us all together here, was this the oldest, most worn</p>
<p style="text-align: right;">266</p> <p>1 they'd finish and --</p> <p>2 Q. And wait?</p> <p>3 A. Yeah.</p> <p>4 Q. In the -- in their waiting area?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did anybody besides you and</p> <p>7 Mr. Marks ever drive this tractor during the period</p> <p>8 between August 26, 2014 and the day of the wreck?</p> <p>9 A. I don't know.</p> <p>10 Q. Did you tell the highway patrol that this</p> <p>11 truck was about to be given to another crew?</p> <p>12 A. I don't remember that.</p> <p>13 Q. Is it even plausible that this truck was</p> <p>14 about to be given to another crew?</p> <p>15 A. It's plausible.</p> <p>16 Q. Okay. Tell us what that would mean. Does</p> <p>17 that mean you'd be assigned to another truck for the</p> <p>18 future?</p> <p>19 A. Correct.</p> <p>20 Q. So somebody else would take it over</p> <p>21 entirely?</p> <p>22 A. Correct.</p> <p>23 Q. Let me be more clear. Somebody else would</p> <p>24 take over this particular tractor entirely?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">268</p> <p>1 truck?</p> <p>2 A. The one that I was driving?</p> <p>3 Q. The 125417.</p> <p>4 A. No.</p> <p>5 Q. Do you know which one was more worn?</p> <p>6 A. Not without looking at the numbers of the</p> <p>7 trucks.</p> <p>8 Q. You're just sure there was one --</p> <p>9 A. Yes.</p> <p>10 Q. -- that was more worn?</p> <p>11 A. Yes.</p> <p>12 Q. Have you ever heard of a thing called</p> <p>13 Linehaul contractor orientation?</p> <p>14 A. Linehaul contractor orientation?</p> <p>15 Q. Yes.</p> <p>16 A. That's unfamiliar to me.</p> <p>17 Q. When you first started hauling freight for</p> <p>18 FedEx Ground, were you given -- how -- how did you</p> <p>19 learn the FedEx way?</p> <p>20 A. As I described earlier, I learned like a</p> <p>21 shotgun wedding. You come aboard, you take your</p> <p>22 test, you file the application, you do your drug</p> <p>23 test, and you do a road test. And they gave you a</p> <p>24 little bit of shotgun about hooking up, and then you</p> <p>25 go with a driver that has been doing it and you learn</p>

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That prior to being examined, the witness, BRIAN KEHLER, was by me duly sworn to tell the truth, the whole truth, and nothing but the truth;

I further certify that, a request having been made to review the transcript, a reading copy was sent to Mr. Smith for the witness to read and sign and then return to me for filing with Mr. Kline.

WITNESS MY HAND this 31st day of August,
2015.

Vicky McDaniel, CSR, RMR
Notary Public
Residing in Salt Lake County